

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

APPEAL FROM ORDER (ST) NO. 15942 OF 2006.
WITH
CIVIL APPLICATION NO. 684 OF 2006.
WITH
CIVIL APPLICATION (ST) NO. 15943 OF 2006.

Swapan Bhattacharjee.	..Appellant.
vs.	
National Federation of General Insurance Employees.	..Respondent.

Ms.Madhavi Tavanandi for the appellant.

Shri Ashok D.Shetty with Ms. Rita K. Joshi i/b
M.D. Nagle for the respondent.

CORAM : A.M. KHANWILKAR, J.

DATED : 8.8.2006.

P.C. :

. The order impugned in this appeal is essentially an exparte order which restrains the appellant-defendant in the suit filed by the plaintiff. By the said order, the trial Court has restrained the appellant-defendant from holding and/or conducting meeting of General Council which was scheduled on 8.1.2006. As the companion matter is already pending before the lower Court and issue in the two suits; one filed by the appellant herein and the other by respondent No.1 are overlapping. In the said order, today, in A.O. No. 485 of 2006, I have already relegated the parties for re-hearing of notices of motion filed by the appellant in the suit filed by the appellant before the trial Court.

2. In the circumstances, delay in filing this appeal is condoned. This appeal is disposed of with liberty to the appellant to apply before the trial Court for recall of the impugned order being exparte. That application will be considered by the trial Court along with Notice of Motion No. 1168/2006 and N.M. 1169/2006 in S.C. Suit No.1138/2006. All the questions relevant for deciding the grievance of the appellant are left open for being considered by the trial Court on its own merits in accordance with law.

3. Parties shall appear before the trial Court on 22nd August 2006 at 2.30 p.m. on which day, the proposed application to be taken by the appellant as referred to above, will be listed and proceeded with along with notices motion Nos. 1168/2006 and 1169/2006.

4. Appeal as well as civil application stand disposed of.

(A.M. KHANWILKAR,J.)